

3. Plaintiff is a natural person currently residing in Madison County, Illinois. Plaintiff is a “consumer” within the meaning of the FDCPA and the Illinois Consumer Fraud and Deceptive Business Practices Act. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

4. Defendant is a foreign corporation with its principal place of business located in Columbus, Ohio. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a “debt collector” as defined by the FDCPA. *15 USC 1692a (6)*.

FACTS

6. On or about November 21, 2014, Plaintiff received a dunning letter from Defendant attempting to collect a debt owed to South County Outpatient Endoscopy Services in the amount of \$453.00.

7. The letter further stated that Plaintiff had until December 31, 2014 to accept a settlement amount of \$294.45.

8. The debt at issue was included on Schedule F of Plaintiff’s Chapter 7 Bankruptcy Plan. The Plaintiff filed for Bankruptcy protection on August 6, 2014.

9. The creditor, South County Outpatient Endoscopy Services, received notice of Plaintiff’s bankruptcy.

10. The U.S. Bankruptcy Court issued an Order granting discharge of Plaintiff’s debts on November 4, 2014.

11. Defendant has no legal authority to continue collection activity once a consumer has filed for bankruptcy protection.

12. Defendant has attempted to collect a debt in violation of the U.S. Bankruptcy Court's automatic stay.

COUNT I- VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT

13. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

14. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, *15 USC 1692 et. seq.*, including, but not limited to, the following:

- a. Taking legal action that it could not legally take by trying to collect a debt enrolled in bankruptcy protection. 15 U.S.C. § 1692e(5);
- b. Engaging in conduct the natural consequence of which was to harass, oppress or abuse Plaintiff. 15 U.S.C. § 1692d.
- c. Using false, deceptive, or misleading representation or means in connection with the debt collection. 15 U.S.C. § 1692e and e(10).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;

D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and

E. For such other relief as the Court may deem just and proper.

THE EASON LAW FIRM, LLC

s/ James W. Eason

JAMES W. EASON, #57112
The Eason Law Firm, LLC
124 Gay Avenue, Suite 200
St. Louis, Missouri 63105
Phone: (314) 932-1066
Fax: (314) 667-3161
Email: james.w.eason@gmail.com